

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75337 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- HASANPUR District- Samastipur

Bhushan Kumar S/O Mantun Mahto R/O Village- Gaja-Baja, P.S- Bithan,
Distt.- Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-12-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Hasanpur P.S. Case No. 65 of 2024, registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of trafficking of illicit wine. On a secret information, the police intercepted a Bolero car and in course of search, total 172.80 liters of Indian made foreign liquor was recovered. The apprehended person, disclosed the name of the petitioner as the owner of the vehicle, from where the recovery has been made.

4. Learned Advocate for the petitioner contended that in fact on account of he being owner of the vehicle, in question, his name has been implicated in this case. Admittedly, the



petitioner was neither apprehended at the place of occurrence nor anything has been recovered from the conscious possession of the petitioner. It is further contended that the Bolero car, in question, was being driven by the driver and he was not even acquainted that the same was used for illicit purpose. The petitioner bears fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court. It is lastly contended that there are other infirmities in the search and seizure.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the recovery of the illicit Indian made foreign liquor from the vehicle of the petitioner clearly suggest his involvement.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been implicated, only on account of he being owner of the vehicle, in question, now the investigation of the crime is complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge I, Samastipur in connection with Hasanpur



P.S. Case No. 65 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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